

requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### SIXTEENTH DAY—Continued.

Senate Chamber,

Austin, Texas.

February 23, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Senate Bill No. 44.

The question recurs on the motion of Senator Blackert, to take up out of its regular order, Senate Bill No. 44, relating to refund of motor fuel taxes to certain cities.

#### Point of Order.

Senator Rawlings raised the point of order that Senator Holbrook's time had expired for debate on the bill.

The Chair sustained the point of order.

The motion to take up the bill prevailed by the following vote:

#### Yeas—23.

Blackert.	Parr.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

#### Nays—5.

Beck.	Holbrook.
DeBerry.	Poage.
Greer.	

#### Absent.

Patton.	Stone.
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#### Absent—Excused.

Fellbaum.

Senator Moore sent up the following amendment:

Amend Senate Bill No. 44, line 23, Section 1, by adding between the words "owned" and "and" the word "exclusively."

MOORE.

The amendment was adopted.

Senator Moore sent up the following amendment:

Amend Senate Bill No. 44, line 24, Section 1, by adding between the words "operated" and "for" the word "exclusively."

MOORE.

Senator Woodruff sent up the following amendment to the Moore amendment:

Amend the Moore amendment to Senate Bill No. 44, adding at the end thereof:

"and operated exclusively within the corporate limits of such municipality."

WOODRUFF.

The amendment was adopted.

The question recurred on the Moore amendment as amended.

The amendment was adopted.

Senator Redditt sent up the following amendment:

Amend Senate Bill No. 44, Section 13 (a) by adding after the word "municipality" when the same appears in said Section, the following: ", and/or counties, independent and common school districts."

REDDITT.

The amendment was adopted.

Senator Redditt sent up the following amendment:

Amend Senate Bill No. 44, by adding a new section as follows:

"Section 13 (b) No municipality shall file any claim for any refund for any motor fuel tax paid when any portion of said tax paid has been used for school purposes or for any other purposes other than for highway construction. It being the intention of this section to limit said refund to only that portion of the tax that is allocated to highway purposes."

REDDITT.

Pending.

#### Senate Simple Resolution No. 21.

Senator Parr sent up the following resolution:

Whereas, Senate Bill No. 32 passed the Senate on February 21, 1934; and

Whereas, Said bill does not affect any district except the Fourteenth and Fifteenth Congressional Districts; and

Whereas, Duval County was in the Fifteenth District but was placed in the Fourteenth;

NOW, THEREFORE, BE IT RESOLVED, That the Membership of the House be, and are hereby requested to pass said Senate Bill No. 32 without amendments.

PARR,	WOODWARD,
PACE,	RUSSEK,
REDDITT,	STONE,
COUSINS,	RAWLINGS,
MARTIN,	DUGGAN,
BLACKERT,	SMALL,
SANDERFORD,	NEAL,
HOPKINS,	REGAN,
BECK,	POAGE,
MURPHY,	WOODUL.

The resolution was adopted.

Senator Collie was recorded as voting "no" on the resolution.

Senator Holbrook was recorded as voting "no" on the resolution.

#### Message From the Governor.

Executive Department.

Austin, Texas, Feb. 23, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representative Leonard, I am submitting herewith for your consideration, a bill to be entitled:

"An Act amending Chapter 220, Acts of the Forty-third Legislature, Regular Session, 1933, page 734 . . . . and declaring an emergency."

At the request of Representative Stovall and others, I am submitting herewith for your consideration, a bill to be entitled:

"An Act fixing the compensation of the county commissioners in every county having a population of not less than fifty-three thousand five hundred (53,500) nor more than fifty-four thousand (54,000) inhabitants according to the last preceding United States census, and prescribing how same shall be paid; . . . . and declaring an emergency."

At the request of Representative

Holecamp, I am submitting herewith for your consideration a bill to be entitled:

"An Act to amend Article 1134 of the Revised Civil Statutes of Texas of 1925, by providing that no new election shall be had within two years of the date of an election whereby a town or village is incorporated under the General Laws of the State of Texas, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 14, A bill to be entitled "An Act to amend Article 5395, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925, relating to the time of payment of rentals on mining claims awarded under Article 5394, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925; suspending for a period of one year from the effective date of this Act all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 32, A bill to be entitled "An Act to amend Section 6-a, of Section 27, of the General Laws of the Forty-third Legislature, First Called Session, so as to reduce registration license fees on commercial motor vehicles, without trailers or semi-trailers, when same are used exclusively by the owner thereof, in the transportation of his poultry, dairy, livestock, and farm products, grown or produced by him, to market or to other points for sale or processing, and for the transportation of laborers and supplies, without charge, by the owner of such commercial motor vehicle, from places of purchase to his own farm or ranch for his exclusive use; etc."

H. B. No. 122, A bill to be entitled "An Act amending Title 26 of the Revised Civil Statutes of Texas, 1925, providing for the creation of trust funds, for maintenance of cemetery lots, and the appointment of trustees and substitute trustees therefor,

and for the construction of said trust; defining terms; providing for the organization of cemetery corporations; etc."

H. B. No. 138, A bill to be entitled "An Act repealing all of Section 6-a, of H. B. No. 11, Chapter 214, Acts, Regular Session, Forty-third Legislature, page 637, and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act to prohibit the taking, killing or possession of wild fox for the purpose of barter or sale in certain counties, and declaring an emergency."

H. B. No. 148, A bill to be entitled "An Act to amend Article 878, of the Penal Code of the Revised Civil Statutes of 1928, relating to the wild duck and geese zone; placing certain counties in the north zone which are now located in the south zone, being Shelby, Nacogdoches, San Augustine, Angelina, Sabine, Polk, Tyler, Jasper, and Newton, and changing the zone line as to include these counties in the north zone, and declaring an emergency."

H. B. No. 156, A bill to be entitled "An Act validating the consolidation proceedings consolidating Buffalo Independent School District of Leon County, and Concord Common School District No. 41 and Martin Common School District No. 8 of Freestone County; providing for a board of trustees; etc., and declaring an emergency."

H. B. No. 168, A bill to be entitled "An Act providing that cities with a population of more than nine thousand (9,000) and less than nine thousand one hundred (9,100) inhabitants, according to the last preceding Federal census, may mortgage and encumber their abbatoir, and the income thereof, or either of them, for the purpose of acquiring or improving the same; providing for manner of issuance of notes or warrants for such purposes and providing that this law shall take precedence over conflicting charter provisions; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### House Bills Referred.

H. B. No. 48, referred to the

Committee on Game, Fish and Oysters.

H. B. No. 138, referred to the Committee on State Affairs.

H. B. No. 32, referred to the Committee on State Highways and Motor Traffic.

H. B. No. 156, referred to the Committee on Educational Affairs.

H. B. No. 14, referred to the Committee on Public Land and Land Office.

H. B. No. 168, referred to the Committee on Towns and City Corporations.

H. B. No. 141, referred to the Committee on Game, Fish and Oysters.

H. B. No. 122, referred to the Committee on State Affairs.

#### Bills and Resolutions Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 70.	H. B. No. 158.
S. B. No. 14.	H. B. No. 116.
S. C. R. No. 15.	H. B. No. 121.
S. C. R. No. 14.	H. B. No. 65.

#### Recess.

On motion of Senator Moore, the Senate, at 11:58 o'clock a. m., recessed until 2:30 o'clock p. m., today.

#### Afternoon Session.

The Senate was called to order, pursuant to recess, at 2:30 o'clock p. m., by Lt. Gov. Edgar E. Witt.

#### House Bill No. 91.

On motion of Senator Beck, the Senate granted unanimous consent to take up and consider at this time the following bill:

H. B. No. 91, A bill to be entitled "An Act designating fur-bearing animals; declaring them the property of the State; declaring a five (5) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 91 was put

on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

#### Bills on First Reading.

By Senator Poage:

S. B. No. 76, A bill to be entitled "An Act amending Article 2676 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 34, Acts, Third Called Session, Forty-second Legislature, and declaring an emergency."

Read first time and referred to the Committee on Education.

By Senator Holbrook:

S. B. No. 77, A bill to be entitled "An Act making an appropriation out of any funds remaining to the

credit of the mileage, per diem and contingent expense funds of the Regular Session of the Forty-third Legislature, to pay the contingent expense and to pay the mileage and per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-third Legislature; and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Woodul:

S. B. No. 78, A bill to be entitled "An Act to authorize each county, and the commissioners' court thereof, of the State of Texas, which has a population of more than 250,000 as shown by the last official Federal census to acquire by purchase lands for use as county public parks and authorizing the commissioners' court of each such county to issue and deliver bonds and/or time warrants in payment for such lands of not exceeding an aggregate principal amount of \$25,000.00, without submitting the same to the voters or to any election and authorizing the commissioners' court of each such county to levy, assess and collect a tax to create necessary sinking fund to pay such bonds and/or time warrants at maturity and to pay interest thereon; this act shall expire and cease to be in force and effect after July 1, 1934, except any bonds and/or time warrants issued prior to said date and maturing thereafter shall remain valid and in full force and effect until paid, and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

#### House Bill No. 81.

On motion of Senator Hopkins, the Senate granted unanimous consent to take up and consider at this time the following bill:

H. B. No. 81, A bill to be entitled "An Act amending Article 879 and Article 879-B, of Chapter 6, Title 13, Revised Criminal Statutes of Texas, 1925, as amended by Acts of the Fortieth Legislature, page 316, etc.; making it unlawful to hunt, take, or kill wild mourning doves, wild quail of all kinds, wild Mexican pheasants, or chachalaca at any other time of year; providing a penalty, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Hopkins, the constitutional rule, requiring bills to be read on three several days, was suspended, and House Bill No. 81 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

## Senate Bill No. 44.

The question recurs on the amendment of Senator Redditt.

Senator Oneal moved to table the amendment of Senator Redditt.

The motion to table was lost by the following vote:

## Yeas—13.

Blackert.	Duggan.
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Hornsby.  
Martin.  
Moore.  
Murphy.  
Oneal.  
Parr.

Purl.  
Rawlings.  
Sanderford.  
Woodul.  
Woodward.

## Nays—14.

Collie.	Poage.
Cousins.	Redditt.
DeBerry.	Regan.
Greer.	Russek.
Holbrook.	Small.
Neal.	Stone.
Pace.	Woodruff.

Absent.

Patton.

Absent—Excused.

Fellbaum.

(Pair Recorded.)

Senator Beck (present), who would vote nay with Senator Hopkins (absent), who would vote yea.

The question recurs on the amendment.

The amendment was lost by the following vote:

## Yeas—13.

Beck.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Redditt.
Greer.	Russek.
Holbrook.	Woodruff.
Neal.	

## Nays—14.

Blackert.	Purl.
Duggan.	Rawlings.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Woodul.
Oneal.	Woodward.

Present—Not Voting.

Stone.

Absent.

Hopkins.	Patton.
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Absent—Excused.

Fellbaum.

Senator Woodruff sent up the following amendment:

Amend Senate Bill No. 44, by adding after the words "incorporated municipality" in the 18th line of Section 13(a) or by any rural letter carrier employed by the United States of America and engaged in carrying, collecting and delivering the United States mail, exclusively over the public road of any county in this State, which roads are not a part of the designated State Highway System of Texas."

WOODRUFF.

Senator Hornsby moved to table the amendment.

#### Point of Order.

Senator Martin presiding.

Senator Blackert raised the point of order that the length of time had expired on the debate of Senator Woodruff.

The point of order was overruled.

The question recurred on the motion to table the amendment.

The motion to table prevailed by the following vote:

#### Yeas—14.

Blackert.	Oneal.
Duggan.	Parr.
Hornsby.	Purl.
Martin.	Rawlings.
Moore.	Regan.
Murphy.	Russek.
Neal.	Sanderford.

#### Nays—10.

Beck.	Pace.
Collie.	Poage.
Cousins.	Redditt.
DeBerry.	Woodruff.
Holbrook.	Woodward.

#### Present—Not Voting.

Greer.	Woodul.
Stone.	

#### Absent.

Hopkins.	Small.
Patton.	

#### Absent—Excused.

Fellbaum.

Senator Holbrook sent up the following amendment:

Amend Senate Bill No. 44, by adding just after the words "incorporated municipality" the following words "The Highway Department."

HOLBROOK.

Senator Small moved the previous question on the pending amendment and the bill.

The previous question was ordered by the following vote:

#### Yeas—14.

Blackert.	Oneal.
Collie.	Parr.
Duggan.	Rawlings.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Woodul.
Neal.	Woodward.

#### Nays—13.

Beck.	Poage.
Cousins.	Purl.
DeBerry.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Moore.	Woodruff.
Pace.	

#### Absent.

Hopkins.	Stone.
Patton.	

#### Absent—Excused.

Fellbaum.

The question recurred on the adoption of the amendment.

The amendment was lost by the following vote:

#### Yeas—8.

Beck.	Holbrook.
Cousins.	Poage.
DeBerry.	Redditt.
Greer.	Woodruff.

#### Nays—19.

Blackert.	Pace.
Collie.	Parr.
Duggan.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

#### Present—Not Voting.

Regan.	Stone.
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#### Absent—Excused.

Fellbaum.	Patton.
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The bill was read second time and passed to engrossment.

On motion of Senator Blackert, the constitutional rule, requiring bills to be read on three several days, was suspended, and Senate Bill No. 44 was put on its third reading and final passage by the following vote:

Yeas—22.

Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
Duggan.	Purl.
Greer.	Rawlings.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Murphy.	Small.
Moore.	Woodul.
Neal.	Woodward.

Nays—5.

DeBerry.	Redditt.
Holbrook.	Woodruff.
Poage.	

Absent.

Beck.	Stone.
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Absent—Excused.

Fellbaum.	Patton.
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On motion of Senator Oneal, the Senate granted unanimous consent to amend the caption to conform to the body of the bill.

Read third time and finally passed by the following vote:

Yeas—20.

Blackert.	Pace.
Cousins.	Parr.
Duggan.	Purl.
Hopkins.	Rawlings.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodward.

Nays—7.

Collie.	Poage.
DeBerry.	Redditt.
Greer.	Woodruff.
Holbrook.	

Absent—Excused.

Beck.	Fellbaum.
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(Pair Recorded.)

Senator Woodul (present), who

would vote yea with Senator Patton (absent), who would vote nay.

#### Free Conference Committee.

On motion of Senator Sanderford, the Senate granted the request of the House for a free conference committee on H. B. No. 13.

The Chair appointed the following Senators on the part of the Senate:

Senators Woodruff, Martin, Rawlings, Regan, and Holbrook.

Senator Moore moved that Senate conferees on House Bill No. 13, be, and they are hereby instructed not to increase amount of bonds therein provided above \$4,500,000.00, as provided by Senate amendment to House Bill No. 13.

MOORE.

The motion was lost by the following vote:

Yeas—9.

Duggan.	Poage.
Hopkins.	Purl.
Moore.	Redditt.
Pace.	Small.
Parr.	

Nays—10.

Blackert.	Russek.
Collie.	Sanderford.
Greer.	Stone.
Hornsby.	Woodul.
Murphy.	Woodward.

Present—Not Voting.

DeBerry.	Rawlings.
Holbrook.	Regan.
Martin.	Woodruff.
Oneal.	

Absent—Excused.

Beck.	Patton.
Fellbaum.	

Absent.

Cousins.	Neal.
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Point of Order.

Senator Sanderford raised the point of order that a free conference committee had already been appointed and the House notified of such action and that the committee could not be so instructed.

The Chair overruled the point of order.

Senator Purl made the following motion:

I move that the Senate conferees on House Bill No. 13 do not recede from the personnel of the Relief Commission as it is now designated in said bill.

PURL.

### Point of Order.

Senator Sanderford raised the point of order that a conference committee had already been appointed and the House notified of such action, further that business had been transacted by the Senate since the appointment of the committee and that the Senate could not now instruct the committee. Further, that the Chair would be out of order to hold such a motion to instruct in abeyance and permit the transaction of other business *ad interim*.

The Chair overruled the point of order.

The motion to instruct was lost by the following vote:

Yeas—3.

Moore.	Purl.
Poage.	

Nays—17.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Redditt.
DeBerry.	Russek.
Duggan.	Sanderford.
Greer.	Small.
Hornsby.	Stone.
Murphy.	Woodul.
Neal.	

Present—Not Voting.

Holbrook.	Rawlings.
Hopkins.	Regan.
Martin.	Woodruff.
Oneal.	Woodward.

Absent—Excused.

Beck.	Patton.
Fellbaum.	

### Senate Bill No. 77.

On motion of Senator Holbrook, the Senate granted by the following vote consent to suspend the constitutional rule and to take up and consider at this time S. B. No. 77:

Yeas—28.

Blackert.	Collie.
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Cousins.  
DeBerry.  
Duggan.  
Greer.  
Holbrook.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Murphy.  
Neal.  
Oneal.  
Pace.

Parr.  
Poage.  
Purl.  
Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

Beck.  
Fellbaum.

Patton.

The Chair laid before the Senate the following bill:

"A bill to be entitled an Act making an appropriation out of any funds remaining to the credit of the Mileage, Per Diem and Contingent Expense Funds of the Regular Session of the Forty-third Legislature, to pay the contingent expense and to pay the mileage and per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-third Legislature; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 77 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.  
Collie.  
Cousins.  
DeBerry.  
Duggan.  
Greer.  
Holbrook.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Murphy.  
Neal.  
Oneal.

Pace.  
Parr.  
Poage.  
Purl.  
Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.



**Absent—Excused.**

Beck.                      Patton.  
Fellbaum.

Read third time and finally passed  
by the following vote:

**Yeas—28.**

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

Beck.                      Patton.  
Fellbaum.

**Senate Bill No. 76.**

On motion of Senator Poage, the  
Senate granted consent to suspend  
the constitutional rule and take  
up at this time S. B. No. 76 by the  
following vote:

**Yeas—28.**

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

Beck.                      Patton.  
Fellbaum.

The Chair laid before the Senate,  
S. B. No. 76, as follows:

"An Act amending Article 2676 of  
the Revised Civil Statutes of Texas,  
1925, as amended by Chapter 34,  
Acts Third Called Session, Forty-  
second Legislature; and declaring  
an emergency."

The rule requiring committee re-  
ports to lie over one day was sus-  
pended by unanimous consent.

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to engrossment.

On motion of Senator Poage, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 76 was put  
on its third reading and final pas-  
sage by the following vote:

**Yeas—28.**

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

Beck.                      Patton.  
Fellbaum.

Read third time and finally passed  
by the following vote:

**Yeas—28.**

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

Beck.                      Patton.  
Fellbaum.

Senator Purl made the following  
motion:

"I move that the conference com-  
mittee on H. B. No. 13 be instructed

not to include any new tax measure or new revenue-raising measure of any kind."

PURL.

The motion was lost by the following vote:

Yeas—3.

Hopkins. Purl.  
Moore.

Nays—15.

Collie.	Parr.
Cousins.	Poage.
DeBerry.	Redditt.
Duggan.	Russek.
Greer.	Sanderford.
Hornsby.	Small.
Murphy.	Woodul.
Neal.	

Present—Not Voting.

Holbrook.	Rawlings.
Martin.	Regan.
Oneal.	Woodruff.
Pace.	Woodward.

Absent.

Blackert. Stone.

Absent—Excused.

Beck. Patton.  
Fellbaum.

House Bill No. 99.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 99, A bill to be entitled "An Act amending Section 5, of Chapter 26, Acts, Forty-second Legislature, First Called Session, providing for the control of refineries, requiring reports of same, authorizing the Railroad Commission agents to inspect refinery properties; requiring such refineries to equip their pipe lines with meters and report measurements of same, and declaring an emergency."

Senator Small sent up the following amendment:

Amend Committee Substitute to House Bill No. 99 by adding after the word "out" in line 49 the following: "all above."

SMALL.

The amendment was adopted.

Senator Small sent up the following amendment:

Amend H. B. No. 99 by adding the word "marketer" after the word "transporter" at the end of line 28 of the committee amendment on page 2.

SMALL.

The amendment was adopted.

Senator Small sent up the following amendment:

Amend H. B. No. 99 by adding after the word "storage" on line 34 of committee report No. 1 the words "pipe line."

SMALL.

The amendment was adopted.

Senator Moore sent up the following amendment:

Amend H. B. No. 99, as substituted, by adding a new section as follows:

"Subsection 1-a. The data, reports and information obtained and received hereunder shall be available only for the following purposes: For use of and by the Commission in enforcing its rules, regulations and orders herein contemplated; for use of and by the Attorney General; for use of and by the Comptroller of Public Accounts, and for use of and by other constituted State officials and departments as they may require, but in no event shall such data, reports and information be available for general public circulation, other than as above directed."

MOORE.

Senator Woodul sent up the following amendment to the amendment:

Amend Moore amendment by inserting after the word "require" in the eighth line the following:

"including all court proceedings."

WOODUL.

The amendment to the Moore amendment was adopted.

The amendment as amended was adopted.

Senator Moore sent up the following amendment:

Amend H. B. No. 99, as substituted, Section 1, as follows:

By adding after the word "not" the word "physical" in line 25, page 2.

MOORE.

Senator Small moved to table the amendment.

The motion to table prevailed.

Senator Pace sent up the following amendment:

Amend H. B. No. 99 as substituted by adding a new section as follows:

Section —. No oil shall be permitted to be transported out of any field or pool in Texas, unless and until the local refinery consumptive demand shall have been supplied out of the local production of such field or pool, if said local production is sufficient to satisfy the local consumptive demand; provided, however, that no refinery shall be given the benefit of this provision, unless and until all reasonable and legal orders, reports and inspection requirements of the Railroad Commission have been fully complied with.

PACE,  
NEAL.

Senator Woodruff sent up the following amendment to the Pace amendment:

Amend Pace amendment to H. B. No. 99 by striking out the words "reasonable and" when they appear co-jointly in the third from the last line of the main paragraph of the amendment.

WOODRUFF.

#### Point of Order.

Senator Woodruff raised the point of order that the Pace amendment was not germane to the bill itself.

The Chair overruled the point of order.

Senator Hornsby moved to table the Pace amendment and the pending amendment to the Pace amendment.

The motion to table prevailed by the following vote:

Yeas—21.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Rawlings.
DeBerry.	Regan.
Duggan.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

Nays—7.

Greer.	Pace.
Moore.	Purl.
Neal.	Redditt.

Absent—Excused.

Beck.	Patton.
Fellbaum.	

Senator Small sent up the following amendment:

Amend caption to conform to body of bill.

SMALL.

The amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 99 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.	Patton.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

Greer.

**Absent—Excused.**

Beck.                      Patton.  
Fellbaum.

**Bills Signed.**

The Chair, Lt. Gov. Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 62.              H. B. No. 91.  
H. B. No. 35.              H. B. No. 73.  
H. B. No. 81.

**Free Conference Committee Appointed.**

The Chair appointed the following members on the part of the Senate to adjust the differences between the House and Senate on S. B. No. 13:

Senators Purl, Greer, Moore, Pace and Russek.

**Message From the Governor.**

Executive Department,  
Austin, Texas, Feb. 23, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representatives Camp and James I am submitting herewith for your consideration a bill to be entitled: "An Act amending Article 2676 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 34, Acts, Third Called Session, Forty-second Legislature, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 13, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Representatives Long, Jones of Atascosa, Duvall, Hughes, and McGregor.

The House has concurred in Senate

amendments to House Bill No. 25, by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 43, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Representatives Long, Coombes, Scott, Hyder, and Wood.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

**House Bill No. 52.**

Senator Holbrook moved to take up at this time House Bill No. 52, the Departmental Appropriation Bill.

The motion was lost by the following vote:

**Yeas—9.**

Cousins.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Small.
Neal.	Stone.
Oneal.	

**Nays—19.**

Blackert.	Parr.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Regan.
Greer.	Russek.
Hornsby.	Sanderford.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Pace.	

**Absent—Excused.**

Beck.                      Patton.  
Fellbaum.

**House Bill No. 157.**

Senator Stone moved to take up at this time House Bill No. 157.

The motion prevailed by the following vote:

## Yeas—26.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Nays—2.

Holbrook.	Pace.
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## Absent—Excused.

Beck.	Patton.
Fellbaum.	

The Chair laid before the Senate the following bill:

H. B. No. 157, A bill to be entitled "An Act changing the open season on doves and quail to open November 15 to January 16, inclusive, in Brazos County, Texas; repealing all laws in conflict herewith, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Stone, the constitutional rule, requiring bills to be read on three several days, was suspended, and H. B. No. 157 was put on its third reading and final passage by the following vote:

## Yeas—28.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Beck.	Patton.
Fellbaum.	

Read third time and finally passed by viva voce vote.

## Senate Bill No. 78.

Senator Woodul moved to take up and consider at this time Senate Bill No. 78.

The motion prevailed by the following vote:

## Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

## Absent.

Russek.	Small.
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## Absent—Excused.

Fellbaum.	Patton.
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The Chair laid before the Senate the following bill:

S. B. No. 78, A bill to be entitled "An Act to authorize each county and the commissioners' court thereof of the State of Texas, which has a population of more than 250,000 as shown by the last official Federal census to acquire by purchase land for use as county public parks and authorize the commissioners' court of each such county to issue and deliver bonds, etc."

Senator Woodul sent up the following amendment:

Amend Senate Bill No. 78, by adding after the words and figures "250,000" wherever found in the body of the bill the following: "and less than 300,000" and amending caption to conform.

## WOODUL.

The amendment was adopted.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodul, the constitutional rule, requiring bills to be read on three several days, was suspended, and Senate Bill No. 78 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.	Patton.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—20.

Blackert.	Oneal.
Cousins.	Parr.
DeBerry.	Redditt.
Duggan.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Nays—7.

Collie.	Poage.
Greer.	Rawlings.
Murphy.	Stone.
Pace.	

Absent.

Purl.

Absent—Excused.

Beck.	Patton.
Fellbaum.	

Senators Excused.

On motion of Senator Pace, Sena-

tor Beck was excused for the balance of the day and Saturday on account of important business.

On motion of Senator Cousins, Senator Patton was excused for the day on account of important business.

### Free Conference Committee Appointed.

The Senate granted the request of the House for the appointment of a free conference committee on House Bill No. 43 and the following were appointed on the part of the Senate:

Senators Woodward, Small, Stone, Martin, and Redditt.

### House Bill No. 100.

On motion of Senator Woodruff, the Senate granted unanimous consent to take up and consider at this time the following bill:

H. B. No. 100, A bill to be entitled "An Act providing for the compensation of county commissioners in certain counties having a population of not less than 17,570 and not more than 17,580, and not less than 16,550 and not more than 16,575, according to the Federal census for the year 1930; and defining from what fund such salaries shall be paid, and declaring an emergency."

Pending.

### Recess.

Senator Poage, at 6:35 o'clock p. m., moved to recess until 10 o'clock a. m., tomorrow.

The motion prevailed by the following vote:

Yeas—20.

Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Poage.
Greer.	Purl.
Hopkins.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodul.

Nays—8.

Duggan.	Regan.
Holbrook.	Small.
Neal.	Woodruff.
Rawlings.	Woodward.

Absent—Excused.

Beck. Patton.  
Fellbaum.

# APPENDIX.

## Petitions and Memorials.

The White House,  
Washington, D. C., Feb. 19, 1934.  
Hon. Bob Barker, Secretary of the  
Senate of the State of Texas, Austin,  
Texas.

My Dear Mr. Barker:

The President has received your letter of February 10 and has asked me to thank you for sending him a copy of Senate Resolution No. 12 adopted by the Senate of the Forty-third Legislature of the State of Texas. He is pleased to have this expression of approval of the appointment of Doctor Walter Marshall William Splawn as a member of the Interstate Commerce Commission.

Very sincerely yours,

LOUIS McH. HOWE,  
Secretary to the President.

Interstate Commerce Commission,  
Washington, Feb. 16, 1934.  
Hon. Bob Barker, Secretary of the  
Senate of the State of Texas, Austin,  
Texas.

My Dear Mr. Barker:

Please find enclosed a carbon copy of an acknowledgement of the fine resolution passed by the Senate of our State, a copy of which you were good enough to send forward to me.

I trust that all goes well with you. I am very happy to see that you are still on the job.

Sincerely yours,

WALTER M. W. SPLAWN.

Interstate Commerce Commission,  
Washington, Feb. 16, 1934.  
Hon. Edgar E. Witt, President of the  
Senate of the State of Texas, Austin,  
Texas.

Sir: Will you please convey to the Senate of Texas my heartfelt and deep appreciation for their expression as contained in Senate Resolution No. 12, a copy of which was sent to me by Hon. Bob Barker, Secretary of the Senate.

During several years it was my privilege to serve as an official of the State of Texas. I was frequently in conference with members of the

Texas Senate and appearing before committees of the Senate. During those years of intimate contact I came to have so high a regard of the members of the Texas Legislature that I cherish this resolution by the Texas Senate as one of the highest honors and is one of the most stimulating expressions of confidence I have received.

Very sincerely yours,

WALTER M. W. SPLAWN.

## Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 14, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 70 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 15 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 14 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

## Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 44 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 67 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 38 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 66 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 24 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 27 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 48 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. C. R. No. 25 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

#### Committee Report.

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 32, A bill to be entitled "An Act to amend Section 6a of Section 27, of the General Laws of the Forty-third Legislature, First Called Session, so as to reduce registration license fees on commercial motor vehicles, without trailers or semi-trailers, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

RAWLINGS, Chairman.

#### Committee Amendment No. 1.

Amend H. B. No. 32 by striking out all after the word "offense" in line 17 of the original bill down to the end of the section, and inserting in lieu thereof the following:

"Provided, however, that all commercial vehicles, truck tractors, road tractors, trailers, and semi-trailers as defined in Section 1 of Chapter 23 of the General Laws of the Fifth Called Session of the Forty-first Legislature, not coming within the provisions of this Act shall be required to pay, in the county of the owner's residence or in the county in which or through which such vehicle is regularly operated, all registration and license fees prescribed by the other provisions of Chapter 88, General Laws, Forty-first Legislature, Second Called Session."

#### Committee Amendment No. 2.

Amend H. B. No. 32 by adding thereto a new section to be known as "Section 1a," to read as follows:

"Section 1a. All laws in conflict herewith are hereby repealed."

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar A. Witt, President of the  
Senate.



Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 78, A bill to be entitled "An Act to authorize each county, and the commissioners' court thereof, of the State of Texas, which has a population of more than 250,000 as shown by the last official Federal census to acquire by purchase lands for use as county public parks and authorizing the commissioners' court of each such county to issue and deliver bonds and/or time warrants in payment for such lands of not exceeding an aggregate principal amount of \$25,000.00, without submitting the same to the voters or to any election and authorizing the commissioners' court of each such county to levy, assess and collect a tax to create necessary sinking fund to pay such bonds and/or time warrants at maturity and to pay interest thereon; this act shall expire and cease to be in force and effect after July 1, 1934, except any bonds and/or time warrants issued prior to said date and maturing thereafter shall remain valid and in full force and effect until paid, and declaring emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1934.

Hon. Edgar A. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 49, A bill to be entitled "An Act amending Chapter 53, Acts of the Forty-third Legislature, First Called Session, declaring the economic conditions and policy of this State concerning co-operation with the National Government in authorizing and providing for action by trade groups, labor and management of industry, eliminating unfair competition, promoting the proper productive capacity of industry, increasing the consumption of industrial and agricultural products by increasing purchasing power, reducing unemployment, improving standards of labor and otherwise rehabilitating industry and conserving natural resources, as announced in the National Industrial

Recovery Act; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

HOPKINS, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 49 by striking out Sections 2 and 7 thereof and by renumbering the sections accordingly.

Committee Amendment No. 2.

Amend S. B. No. 49 by adding a new section to be known as Section No. 12, to read as follows:

"Sec. 12. Provided, however, that nothing in this Act shall apply to industries under the regulation of the Railroad Commission of Texas."

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 28, A bill to be entitled "An Act amending Sections 1, 2, 4, 5, 6, 8, 9 and 12, Chapter 241, Acts of the Regular Session, Forty-third Legislature page 843, and further amending Chapter 241, Acts Regular Session Forty-third Legislature, page 843, by adding a new section to said Act to be designated and styled as Section 17b, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 67, A bill to be entitled "An Act requiring every person, firm, corporation or association of persons in this State who sells cigarettes by means of a vending machine of any kind or character to secure a permit from the Comptroller of Public Accounts as is required of other dealers under the provisions

of Chapter 90, Acts of the First Called Session of the Forty-third Legislature, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 46, A bill to be entitled "An Act amending Title 26 of the Revised Civil Statutes of 1925, providing for the creation of trust funds, for maintenance of cemetery lots, and the appointment of trustees and substitute trustees therefor, and for the construction of said trust; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 72, A bill to be entitled "An Act amending Article 3899, Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, fixing the time of deducting certain office expenses after approval by the county auditor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Hopkins and Small. S. B. No. 72.

A BILL

To Be Entitled

An Act amending Article 3899, Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, fixing the time of deducting certain office expenses after approval by the coun-

ty auditor, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3899, Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, be and the same is hereby amended so as to hereafter read as follows:

Article 3899. At the close of each month of his tenure of such office, each officer whose fees are affected by the provisions of this Act shall make as a part of the report now required by law, an itemized and sworn statement of all the actual and necessary expenses incurred by him in the conduct of his office, such as stationery, stamps, telephone, traveling expense and other necessary expense. If such expense be incurred in connection with any particular case, such statement shall name such case. Such expense account shall be subject to the audit of the county auditor, if any, otherwise by the commissioners' court; and if it appears that any item of such expense was not incurred by such officer, or that such item was not necessary thereto, such item may be by such auditor or court rejected, in which case the correctness of such item may be adjudicated in any court of competent jurisdiction. The amount of such expense referred to in this paragraph shall not be taken to include the salaries of assistants or deputies which are elsewhere herein provided for. The amount of such expense upon approval by the county auditor shall be deducted by the officer monthly. The commissioners' court of the county of the sheriff's residence may upon the written and sworn application of the sheriff stating the necessity therefor, allow one or more automobiles to be used by the sheriff in the discharge of his official duties, which if purchased shall be bought by the county in the manner prescribed by law for the purchase of supplies, and paid for out of the general fund, and they shall be and remain the property of the county. The expense of the maintenance of the operation of such automobile or automobiles as may be allowed, whether purchased by the county or owned by the sheriff or his deputies personally, shall be

paid for by the sheriff, provided, however, that the commissioners' court shall not allow an excess of the total sum of fifty (\$50.00) dollars per month expenses for the operation and depreciation on cars owned by the sheriff or his deputies personally, and the amount thereof shall be reported by the sheriff on the report above provided for, and shall be deducted by him in the manner as the other expenses are deducted which is provided for in this Act.

Sec. 2. The present economic condition and the fact that the present law governing the payment of the office expense does not provide that they shall be paid monthly creating confusion and unnecessary paper work in regard to the account of certain public officers creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 119, A bill to be entitled "An Act amending Subdivision (f) of Section 6 of Chapter 116, Acts of the Forty-third Legislature, Regular Session, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Beck. H. B. No. 119.

#### A BILL

#### To Be Entitled

An Act amending Subdivision (f) of Section 6 of Chapter 116, Acts of the Forty-third Legislature, Regular Session, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Subdivision (f) of Section 6 of Chapter 116, Acts of the Forty-third Legislature, Regular Session, be, and the same is hereby

amended so as to hereafter read as follows:

"(f) If any person has paid the tax on any containers of beer by affixing stamps thereon, and thereafter said beer is shipped out of Texas for consumption, a claim for refund may be made by applying to the Comptroller of Public Accounts at the end of each thirty (30) days and on the forms prescribed by the Comptroller of Public Accounts. So much of said fund as may be necessary, not to exceed two per centum (2%) thereof is hereby appropriated for such purpose. Said officer may promulgate rules and regulations generally for the enforcement of this Act."

Sec. 2. The fact that under the existing statute the fee of five dollars (\$5.00) which is required for refund is causing many dealers in beer in this State to store their beer at points outside of the State and thereby resulting in the loss of revenue, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 68, A bill to be entitled "An Act amending Article 7047 of the Revised Civil Statutes, 1925, by repealing House Bill No. 102 as passed by the Forty-first Legislature, Second Called Session, 1929, and approved by the Governor of Texas, June 24, 1929, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Duvall. H. B. No. 68.

#### A BILL

#### To Be Entitled

An Act amending Article 7047 of the Revised Civil Statutes, 1925, by

repealing House Bill No. 102 as passed by the Forty-first Legislature, Second Called Session, 1929, and approved by the Governor of Texas, June 24, 1929; and repealing Senate Bill No. 127, "Regulating and Providing for Supervision of Emigrant Agents," passed by the Forty-first Legislature, Second Called Session, 1929, and effective without the Governor's signature, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That House Bill No. 102, as passed by the Forty-first Legislature, Second Called Session, 1929, and approved by the Governor of Texas, June 24, 1929, amending Article 7047 of the Revised Civil Statutes of 1925, is hereby repealed.

Sec. 2. Senate Bill No. 127, "Regulating and providing for Supervision of Emigrant Agents," passed by the Forty-first Legislature, Second Called Session, 1929, and effective without the Governor's signature, is hereby repealed.

Sec. 3. The fact that there are now in Texas many persons who are unable to find any kind of employment within the State and are in destitute circumstances, who might find employment in other states, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and that this Act become effective from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 157, A bill to be entitled "An Act changing the open season on dove and quail to open November 15 to January 16, inclusive, in Brazos County, Texas; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 141, A bill to be entitled "An Act to prohibit the taking, killing or possession of wild fox for the purpose of barter or sale in certain counties; providing penalties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 148, A bill to be entitled "An Act to amend Article 878 of the Penal Code of the Revised Criminal Statutes of 1925, relating to the wild duck and geese zone; placing certain counties in the north zone which are now located in the south zone, being Shelby, Nacogdoches, San Augustine, Angelina, Sabine, Tyler, Jasper and Newton and changing the zone line as to include these counties in the north zone; and placing Polk and Trinity Counties in the south zone, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with Committee Amendment No. 1 attached, with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 148, by striking out all of Section 1 and inserting in lieu thereof:

"Section 1. Article 878 of the Penal Code of the Revised Civil Statutes of the State of Texas be and same is hereby amended so as to change the zone line in the eastern portion of the State so as to place all of Tyler, Newton, Jasper, Angelina, St. Augustine and Sabine Counties in the north zone, where the zone line intersects the southwest corner

of San Jacinto County, to read as follows:

"Beginning with the southwest corner of San Jacinto County, thence along the boundary of San Jacinto County to the southwest corner of Polk County; thence in a northwesterly direction along the boundary of Polk County and Trinity County to the southwest corner of Trinity County; thence in a northeasterly direction to the northeast corner of Trinity County; thence in a southeasterly direction along the boundaries of Trinity and Polk Counties to the northwest corner of Tyler County; thence along the east boundary of Polk County to the Hardin County line; thence east along the north boundary of Hardin County to the west boundary of Jasper County; thence south along the west boundary of Jasper County to the Orange County line; then east along the south boundary of Jasper and Newton Counties to the Sabine River."

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 115, A bill to be entitled "An Act to make it unlawful to take, hunt, shoot, trap or kill any wild quail of any species, for a period of five (5) years in Midland County, Texas; fixing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Offices, to whom was referred

H. B. No. 14, A bill to be entitled "An Act to amend Articles 5395, of Chapter 5, of Title 86, of the Revised Civil Statutes, 1925, relating to the time of payment of rentals on mining claims awarded under Article 5397, of Chapter 5, of Title 86, of the Revised Civil Statutes of Texas, 1925; and providing royalties to be paid

the State from minerals produced upon such claims; suspending for a period of one year from the effective date of this Act all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

WOODRUFF, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 14, by striking out all above the enacting clause, and inserting in lieu thereof the following:

"A bill to be entitled, an Act amending Article 5397, Revised Civil Statutes of 1925, and declaring an emergency."

Committee Amendment No. 2.

Amend H. B. No. 14 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Article 5397 of the 1925 Revised Civil Statutes of Texas is hereby amended so as to hereafter read as follows:

"Article 5397. Forfeiture of Rights. If the locator or owner of any claim obtained under the provisions of this law or operating under this law shall fail or refuse to make the payment of any sum within thirty days after it becomes due, or if such one or an authorized agent should knowingly make any false return or false report concerning production, mining or development, or if such one should fail or refuse the proper authority access to the records pertaining to the operations, or if such one or an authorized agent should knowingly fail or refuse to give correct information to the proper authorities, or knowingly fail or refuse to furnish the Land Office all correct reports required by this law, the rights acquired under the location or claim shall be subject to forfeiture by the commissioner, and he shall forfeit the same when sufficiently informed of the facts which authorize the forfeiture, and the minerals covered by such location and claim shall be subject to sale in the manner provided for the sale of minerals

under the present laws. Such forfeiture may be set aside and all rights theretofore existing may be reinstated at any time before the rights of another intervene, upon satisfactory evidence of future compliance with the provisions of this law.'

"Section 2. The fact that an extraordinary financial emergency and depression exists within the State and elsewhere, and that many citizens are about to lose their mining claims, on which they have paid rentals for several years and done valuable and expensive assessment work, due to their inability at this time to pay their rentals, and by reason thereof imminent danger exists whereby citizens may be subjected to distressing losses and lose the accumulations of a lifetime, and the fact that great and irreparable wrong and injury will be done by the State against its own citizens unless immediate relief as aforesaid hereby be granted, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted."

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 156, A bill to be entitled "An Act validating the consolidation proceedings consolidating Buffalo Independent School District of Leon County and Concord Common School District No. 41 and Martin Common School District No. 8 of Freestone County; providing for a board of trustees; providing for compensation of secretary of the board; providing for the appointment of tax assessor of said independent school district, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 75, A bill to be entitled "An Act amending Section 3 of Chapter 214, page 719, General Laws of Texas, Forty-third Legislature of Texas, 1933, providing a basis for salaries for services in summer schools at certain State-supported institutions of higher learning, and repealing certain provisions for the collection of certain matriculation and tuition fees from students of summer schools in certain State-supported institutions of higher learning, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 76, A bill to be entitled "An Act amending Article 2676 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 34, Acts Third Called Session, Forty-second Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 163, A bill to be entitled "An Act to amend Section 23 of Chapter 212, Acts Regular Session, Fortieth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 114, A bill to be entitled "An Act providing for the trial of persons in cases in justice precinct courts in the precinct in which the offense was committed; providing in precincts where there is no duly qualified justice precinct court their trial shall be had in the next adjacent precinct which may have such court, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 109, A bill to be entitled "An Act relating to the conservation and development of lands in the State of Texas, pursuant to Section 59 of Article 16 of the State Constitution declaring and providing that the growth of cedar upon lands is injurious to the value of such lands and the use thereof and benefits to be derived therefrom and is, and constitutes a public nuisance and that the eradication of such growths of cedar constitutes a public benefit and use; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PARR, Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

S. B. No. 71, A bill to be entitled "An Act amending Article 515 of the Revised Civil Statutes of the State of Texas, 1925, as amended, limiting the indebtedness of state banking corporations, so as to permit same to borrow in excess of this amount from the United States of America and from any corporation wholly owned by the United States of America, validating all such obligations heretofore incurred, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, and be printed in the Journal only.

RUSSEK, Chairman.

By Russek.

S. B. No. 71.

#### A BILL

#### To Be Entitled

An Act amending Article 515 of the Revised Civil Statutes of the State of Texas, 1925, as amended, limiting the indebtedness of state banking corporations, so as to permit same to borrow in excess of this amount from the United States of America and from any corporation wholly owned by the United States of America, validating all such obligations heretofore incurred, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 515 of the Revised Civil Statutes of the State of Texas of 1925, as amended, be and the same hereby is amended to read as follows:

"Article 515. Limitation of Indebtedness. No state banking corporation shall at any time be indebted or in any way liable to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

(1) Moneys deposited with or collected by it;

(2) Bills of exchange or drafts drawn against money actually on deposit to the credit of the corporation or due thereto;

(3) Liabilities to the Stockholders of the association for dividends and reserve profits;

(4) Liabilities incurred under the provisions of the Federal Reserve Act;

(5) Liabilities incurred under the provisions of the Federal "Agricultural Credits Act of 1923;"

(6) Liabilities to the United States of America or its assigns, and to any corporation wholly owned by the United States of America, or its successors or assigns. The liabilities referred to in this subsection "6" shall include any liability to the United States of America or its assigns, and to any corporation wholly owned by the United States of America, or its successors or assigns, which was incurred prior to the taking effect of this Act; every instrument evidencing such liability shall, in all actions and proceedings, be construed and enforced with the same force and effect as if it had been executed and delivered, and as if the liability evidenced thereby had been incurred, after this Act took effect, anything in the statutes in force when the instrument was executed and delivered to the contrary notwithstanding;

(7) This Article shall not apply to any guaranty executed by any bank and trust company whose demand deposits are not in excess of its interest bearing deposits, provided such company is not a member of a Federal Reserve Bank;

(8) Upon a written permit obtained from the Commissioner, any bank may borrow a sum not in excess of its unimpaired surplus in addition to its capital stock.

Sec. 2. If any section, subsection, clause, sentence or phrase of this Act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act.

Sec. 3. The fact that the laws of Texas do not adequately provide for loans from the United States of America and from any corporation wholly owned by the United States of America to state banking corporations in excess of the limitations set forth in said article as it now exists, and the fact that the exercise by the Commissioner of Banking of the State of Texas of his administrative powers, under the terms of said Article 515 as it now exists, in connection with loans of sums of money to state banks by the United States of America, or corporations wholly owned by it, resulting in unexcepted liabilities in excess of the

maximum amounts so directed in said article, is being questioned and it being the desire of the Legislature to more clearly express its intent and remove all question, if any, regarding the rights of said Commissioner in so supervising the loan of moneys to State banks of Texas by the United States of America directly or through its agencies as aforesaid and at the same time remove all possible impediments which the method of expression in said Article 515 as it heretofore existed might place in the way of rapid distribution of proceeds of pending loans to State banks of Texas which are in need of the assistance so extended by the Reconstruction Finance Corporation or any other agency of the United States of America, and the crowded condition of the calendar, create an emergency and a public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that the further constitutional rule as to the time when laws take effect be suspended, and the Act shall take effect and be in force from and after its passage, and it is so enacted."

Committee Room,

Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, who whom was referred

S. B. No. 77, A bill to be entitled "An Act making an appropriation out of any funds remaining to the credit of the mileage, per diem and contingent expense funds of the Regular Session of the Forty-third Legislature, to pay the contingent expense and to pay the mileage and per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-third Legislature; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.



Sir: We, your Committee on Finance, to whom was referred

S. C. R. No. 20, being a resolution setting out the intention of the Legislature as concerned the payment of salaries as set by the general appropriation bills of the Regular Session of the Forty-third Legislature, etc.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass but that committee substitute therefor do pass and be printed in the Journal.

HOLBROOK, Chairman.

By Poage. S. C. R. No. 20.

#### A CONCURRENT RESOLUTION

Whereas, At the Regular Session, the Forty-third Legislature sought to establish a policy which would make all compensation of State officials and employees known and certain; and

Whereas, In an effort to effect such policy, riders were placed on the several appropriation bills and S. B. No. 135 was enacted providing that the salary of all officials and employees of this State, except judges and those constitutional officers whose salaries are specifically fixed by the Constitution, shall be in such sums or amounts as may be provided for by the Legislature in general appropriation bills; and

Whereas, said S. B. No. 135 specifically repealed all laws and parts of laws fixing salaries for all such officials and employees in so far as they conflicted with such acts; and

Whereas, It was the purpose and intention of the Legislature to thereby determine the compensation that should be paid to all such officials and employees of the State, and to make such compensation definite and fixed; and

Whereas, In the judiciary appropriation bill it was expressly provided, first that "appropriations made in this bill, are intended to be, and shall be construed as being the maximum sums respectively, which may be used in any way for the purposes or objects named in the bill"; and, second, "All fees paid to clerks or officers or other employees of Appellate Courts named herein either for official or unofficial copies of

opinions or for other services or documents, shall be deposited monthly in the State Treasury and none of such fees shall be retained by said officers and clerks"; and

Whereas, It seems that the Legislative intent to know and limit the compensation of such clerks and employees was made reasonably clear; and

Whereas, The Legislature has supposed that the judges of the Appellate Courts of this State would assist rather than hinder in an effort to control the expenses of State government; and

Whereas, It has come to our attention that some, although not all, of the Appellate Courts have instructed their clerks and employees to ignore said legislative purpose and intent, and to retain certain fees as additional compensation over and above the compensation provided by the Legislature in the appropriation bills; and

Whereas, Such policy on the part of the courts renders ineffective the effort of the Legislature to determine and control the expenditure of public money and is, in effect, an appropriation by the courts of public moneys for the purpose of supplementing salaries heretofore fixed by the Legislature; and

Whereas, Such practice completely disrupts and destroys the entire legislative policy, and

Whereas, It is within the power of the courts to co-operate with the Legislature; and

Whereas, The importance of such co-operation has evidently been overlooked by the judges of certain of the Appellate Courts;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives, concurring, That the judges of the several Appellate Courts of this State be, and they are respectfully requested to co-operate with the Legislature to the fullest extent and to promulgate such rules and regulations as will give effect to the clear legislative intent of the Acts hereinbefore referred to; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Chief Justice of each of the Appellate Courts of this State.

## Committee Substitute.

S. C. R. No. 20

Whereas, At the Regular Session, the Forty-third Legislature sought to establish a policy which would make all compensation of State officials and employees known and certain; and

Whereas, In an effort to effect such policy, riders were placed on the several appropriation bills and Senate Bill No. 135 was enacted providing that the salary of all officials and employees of this State, except judges and those constitutional officers whose salaries are specifically fixed by the Constitution, shall be in such sums or amounts as may be provided for by the Legislature in general appropriation bills; and

Whereas, Said Senate Bill No. 135 specifically repealed all laws and parts of laws fixing salaries for all such officials and employees in so far as they conflicted with such Acts; and

Whereas, It was the purpose and intention of the Legislature to thereby determine the compensation that should be paid to all such officials and employees of the State, and to make such compensation definite and fixed; and

Whereas, In the Judiciary Appropriation Bill it was expressly provided, first that "Appropriations made in this bill are intended to be, and shall be construed as being the maximum sums respectively, which may be used in any way for the purposes or objects named in the bill." and second, "All fees paid to clerks or officers or other employees of appellate courts named herein either for official or unofficial copies of opinions or for other services or documents, shall be deposited monthly in the State Treasury and none of such fees shall be retained by said officers and clerks;" and

Whereas, It seems that the legislative intent to know and limit the compensation of such clerks and employees was made reasonably clear; and

Whereas, The Legislature adopted a similar policy and made similar provisions in regard to all of the other departments and institutions of State Government; and

Whereas, It has come to the attention of the Legislature that some,

although not all, of the courts, departments and institutions of State Government have apparently misunderstood the intention of the Legislature and have authorized the supplementing of the salaries, heretofore fixed by the Legislature, out of various fees and other funds; and

Whereas, such action on the part of such courts, departments and institutions renders ineffective the efforts of the Legislature to determine and control the expenditure of public money and disrupts and destroys the entire legislative policy; and

Whereas, It was the purpose and intention of the Legislature that the salaries fixed by the general appropriation bills should be the maximum amounts to be paid for the particular services in each case mentioned; and

Whereas, It is within the power of the various courts, departments and institutions to carry out this legislative purpose and intent whether they are required to do so by statute or not;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, That the judges of the several appellate courts and the heads of the various departments and institutions of this State, be, and they are each respectfully advised that it was the purpose and intention of the Legislature to strictly limit the compensation to be received by the officers and employees of the State to the respective sums set out in the general appropriation bills and that it was not intended that any such salaries should be supplemented from fees or from money appropriated for other purpose; and ,

Be it further Resolved, That a copy of this resolution be sent to each of the appellate courts, and to the heads of each department and institution of State Government.

Committee Room,

Austin, Texas, Feb. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 68, A bill to be entitled "An Act authorizing W. B. Cross of Travis County, Texas, as innocent purchaser of deficiency certificates Nos. 1205, 1320, and 1395, issued by the Comptroller of the State of

Texas, to sue the State of Texas on said Deficiency Certificates, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments 1, 2, 3, and 4, and be printed in the Journal.

HOLBROOK, Chairman.

By Sanderford.

S. B. No. 68.

#### A BILL

##### To Be Entitled

An Act authorizing W. B. Cross of Travis County, Texas, as innocent purchaser of deficiency certificates Nos. 1205, 1320, and 1395, issued by the Comptroller of the State of Texas, to sue the State of Texas on said Deficiency Certificates; and providing that suit, or suits, may be instituted and maintained by the said W. B. Cross in any of the courts of Travis County, Texas, against the State of Texas as defendant, for himself on the Deficiency Certificates now held by him, and also for and on behalf of all other holders of Deficiency Certificates issued by the Comptroller of the State of Texas, and who are now holding the same as innocent purchasers, and which were covered by appropriation made in House Bill No. 397, Chapter 108, Acts of the Regular Session of the Forty-second Legislature of the State of Texas; defining innocent purchasers; providing procedure for said purpose and providing for the method and time of payment and re-appropriating funds out of which payment may be made; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That W. B. Cross of Travis County, Texas, is hereby authorized to sue the State of Texas as defendant, in any of the Courts of Travis County, Texas, upon Deficiency Certificates No. 1205, dated September 16, 1929, No. 1320, dated September 25, 1929, and No. 1395, dated February 8, 1930, issued by the Comptroller of the State of Texas, now held by the said W. B. Cross as an innocent purchaser for value. Said W. B. Cross is hereby authorized to institute suit in any of the Courts of Travis County, Texas, against the State of Texas, as

defendant, for himself upon said Deficiency Certificates, and also for and on behalf of any and all innocent purchasers, holding deficiency certificates issued by the Comptroller of the State of Texas, and for which appropriation was made in House Bill No. 397, Chapter 108, Acts of the Forty-second Legislature of the State of Texas. In any and all suits brought in any of the courts aforesaid, by said W. B. Cross for and on behalf of himself, or other persons, firms, associations or corporations, similarly situated holding deficiency certificates as innocent purchasers, the allegations of plaintiff's petition that the person, firm, association or corporation for and on behalf of whom suit is brought, is in fact an innocent purchaser of said deficiency certificates, or certificates, shall be conclusive of the right of said person, firm, association or corporation to sue the State of Texas. But in any suit brought against the State of Texas for and on behalf of the said W. B. Cross, or any other person, firm, association or corporation similarly situated and suing the State of Texas on said deficiency certificates as innocent purchasers, unless it appears upon the trial of said cause and be found as a fact that the person, firm, association or corporation suing is in fact holding the deficiency certificate, or certificates, as innocent purchasers, no judgment shall be rendered against the State of Texas thereon.

Sec. 2. In any and all suits brought by the said W. B. Cross for himself, or for and on behalf of other holders of deficiency certificates similarly situated, service of process shall be had upon the Governor of the State of Texas or upon the Attorney General of the State of Texas, and such suit, or suits, shall be tried and determined as other civil cases.

Sec. 3. When judgment is rendered in any of the Courts of Travis County, Texas, against the State of Texas in favor of the said W. B. Cross, suing for himself, or for and on behalf of any other person, firm, association or corporation similarly situated and holding deficiency certificates as innocent purchasers, the clerk of the court in which said case is tried shall make out a transcript of such judgment and properly certify the same and file the same with

the Comptroller of the State of Texas. When said transcript, together with such deficiency certificate, is filed with the Comptroller of the State of Texas he shall forthwith issue a warrant therefor, said warrant to be drawn against any unexpended balance which has heretofore been appropriated under House Bill No. 397, Chapter 108, Acts of the Regular Session of the Forty-second Legislature of the State of Texas, and said unexpended balance, or so much thereof as may be necessary, is hereby appropriated to pay said judgments.

Sec. 4. For the purpose of suits authorized by this bill, and only for the purpose of said suits, the term "innocent purchaser" shall be held to include all persons, firms, associations or corporations who have purchased such deficiency certificates in good faith for value from the original holders, or in due course of trade, without actual notice of any defects or irregularities in the accounts upon which the same were based, and in all suits brought upon any of said deficiency certificates the burden shall rest upon the plaintiff to show said facts by a preponderance of the evidence.

Sec. 5. The fact that many innocent purchasers in the State of Texas are holding deficiency certificates issued by the Comptroller of the State of Texas, for which appropriation has heretofore been made, and that there is no law authorizing their payment, creates an emergency and an imperative public necessity demanding the suspension of the constitu-

tional rule, requiring bills to be read on three several days in each House, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its final passage; and it is so enacted.

#### Committee Amendment No. 1.

Amend Senate Bill No. 68 by striking out in Section 1, lines 7 and 8, the words "as an innocent purchaser for value."

#### Committee Amendment No. 2.

Amend Senate Bill No. 68 by inserting in Section 4, after the word "actual" at the end of line 6 of said section, the words "or constructive notice, or notice of any other facts that would put a reasonably prudent person upon."

#### Committee Amendment No. 3.

Amend Senate Bill No. 68 by adding a new section to be known as Section 5, which shall read as follows:

"Section 5. The exclusive venue of any suits brought under the provisions of this Act shall be in a court of competent jurisdiction in Travis County, Texas, regardless of the residence of the plaintiff, and no suit brought under the provisions of this Act shall be maintained in any court in this State other than Travis County, Texas."

#### Committee Amendment No. 4.

Amend Senate Bill No. 68 by making the caption of said bill conform to the body.

**In Memory**  
**of**  
**Hon. J. E. Fisher**

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**SENATE RESOLUTION NO. 22.**

Senator Purl sent up the following resolution:

WHEREAS, The Senate of Texas learned with sincere and deep regret of the passing of Honorable J. E. Fisher, County Clerk of Dallas County, who died Thursday afternoon in the City of Dallas; and

WHEREAS, Mr. J. E. Fisher was a member of a pioneer and highly respected and useful family of Dallas County and has served his county in various offices of honor and trust for more than a score of years;

THEREFORE BE IT RESOLVED, That the Senate of Texas extend to his family our heartfelt sympathy, and that a page be set aside in the Senate Journal for this resolution, and when the Senate of Texas adjourns today, that it be done in his memory, and that a copy of this resolution be sent to his family.

PURL.

The resolution was adopted.